



## Air Pollution Control Hearing Officer Annotated Docket

Clark County Building Department – Presentation Room  
4701 West Russell Road, Las Vegas, NV

**9:00 a.m. – November 15, 2012**

Hearing Officer: Lori Wohletz

Staff: Gary Miller, Compliance and Enforcement Manager  
Lea Kain, Enforcement Supervisor

The Presentation Room is accessible to individuals with disabilities. With 48-hour advance request, a sign language interpreter may be made available; phone 676-1500, TDD 676-1834, or Relay Nevada toll-free (800) 326-6868 TTY/TDD.

### **I. CALL TO ORDER 9:00 a.m.**

### **II. MATTERS REQUIRING HEARING OFFICER ACTION**

A. NON-CONTESTED NOTICES OF VIOLATION WITH AGREEMENT: The Hearing Officer may approve or disapprove the agreed settlement. If disapproved, the Notice of Violation will be scheduled for another hearing. Non-contested Notices of Violation are undisputed matters and may be taken together unless there is a request to take one separately.

#### **1. D. R. HORTON, INC.**

NOV #8362 – For failure to implement Best Available Control Measures and allowing a dust plume to extend more than 100 hundred feet, horizontally or vertically, from the point of origin, identified during a complaint inspection on July 18, 2012 at the Whitney Mesa construction site located north of Sunset Road at Arroyo Grande Boulevard, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.11.3

Recommended Penalty: \$2,000

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$2,000**

2. **TRONOX, LLC**

NOV #8361 – For exceeding the short-term emission limit of 0.18 lb/hr as specified in the Operating Permit, identified during review of the results of an EPA Method 17 performance test conducted on May 16, 2012 at the Tronox, LLC facility (Source: 95) located at 560 West Lake Mead Parkway, in Clark County, Nevada.

Violation(s) alleged: Subsection 12.0.3(a)  
IV-A-3-b

Recommended Penalty: \$4,000

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$4,000**

*B. REHEARING OF HEARING OFFICER'S DECISION*

1. **WILLDEN & WILLDEN, INC.**

NOV #8358 – For operating a gasoline dispensing operation without a minor source permit identified during a compliance evaluation on February 9 and March 7, 2012 at the America's Mart #1 facility (New Source: 17161), located at 2800 East Tropical Parkway, Suite 100, in Clark County, Nevada.

Violation(s) alleged: Subsection 12.1.3.1

Recommended Penalty: \$4,000

**HEARING OFFICER GRANTED WILLDEN & WILLDEN, INC.'S REQUEST. HEARING OFFICER VACATED THE PREVIOUS ORDER FROM THE SEPTEMBER 12, 2012 HEARING.**

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$4,000**

2. **GAUGHAN SOUTH, LLC**

NOV #8356 – For failure to conduct performance testing on seven Unilux boilers (Emission Units A01 through A07) every five years from the anniversary date of the initial performance test conducted on March 26 through 29, 2007; and for failure to submit for approval a performance test protocol no later than March 29, 2012 at the South Point Hotel and Casino (Source: 15515), located at 9777 Las Vegas Boulevard South, in Clark County, Nevada.

Violation(s) Alleged: Subsection 12.0.3(a)  
IV-D-5  
IV-D-2

**HEARING OFFICER GRANTED DAQ'S REQUEST. HEARING OFFICER VACATED THE PREVIOUS ORDER FROM THE SEPTEMBER 12, 2012 HEARING.**

**HEARING OFFICE APPROVED PROPOSED SETTLEMENT, WHICH INCLUDED A \$2,000 PENALTY.**

C. CONTESTED NOTICES OF VIOLATION

1. **CAESARS ENTERTAINMENT OPERATING COMPANY, INC.**

NOV #8355 – For conducting a performance test 49 days late; and for failure to submit a performance test protocol not less than 45, nor more than 90 days prior to the anticipated date of the performance test, as determined by review of the test protocol submitted to Air Quality on May 3, 2012 for two steam boilers at the Imperial Palace Hotel and Casino owned by Caesars Entertainment Operating Company, Inc. (Source: 257) located at 3535 Las Vegas Boulevard South, in Clark County, Nevada.

Violation(s) alleged: Subsection 12.0.3(a)  
III-G-6-b  
II-E-3

Recommended Penalty: \$9,000

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$4,000**

2. **LOVE'S OF NEVADA, LLC**

NOV #8363 - For exceeding annual throughput and emission limitations; for failing to maintain daily inspection logs for three months; and for failure to submit a 2010 annual throughput report to Air Quality, as identified during a full compliance evaluation conducted on May 21 and 23, 2012 at the Love's Travel Stop #340 facility (Source: 16245) located at 12501 U.S. Highway 93, north of the Apex exit on the Great Basin Highway, in Clark County, Nevada.

Violation(s) alleged: Subsection 12.0.3(a)  
IV-A-2-a  
IV-A-3-a  
IV-E-2  
IV-E-4-f  
IV-F-2-b

Recommended Penalty: \$12,000

**HEARING OFFICER DISMISSED THE ALLEGATION OF SUBSECTION 12.0.3(a) (CONDITIONS IV-E-2 & IV-E-4-f).**

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$8,000**

**Subsection 12.0.3(a) (IV-A-2-a & IV-A-3-a) - \$5,000**

**Subsection 12.0.3(a) (IV-F-2-b) - \$3,000**

3. **M GRAPE, LLC**

NOV #8367 – For operating a gasoline dispensing operation without a minor source permit, identified during a Partial Compliance Evaluation on April 10, 2012 at the M Grape, LLC (Arco) a.k.a. North Decatur The World's Greatest Mini Mart facility (*Pending Source: 17167*), located at 6020 North Decatur Boulevard in Clark County, Nevada.

Violation(s) alleged: Subsection 12.1.3.1

Recommended Penalty: \$4,000

**HEARING OFFICER DID NOT FIND M GRAPE, LLC IN VIOLATION, AND VACATED THE PENALTY.**

4. **ROAD & HIGHWAY BUILDERS, LLC**

NOV #8345 – For failure to obtain a Dust Control Permit prior to engaging in a construction activity (demolition); for failure to thoroughly inspect the affected facility for the presence of asbestos, including Category I and Category II nonfriable asbestos-containing materials; and for failure to provide a Demolition Notification Form ten days prior to commencement of demolition or renovation of two buildings, located at 2640 and 2660 North Las Vegas Boulevard, in Clark County, Nevada, identified during site inspections on February 8 and 9, 2012.

*Continued from 9/12/12*

Violation(s) Alleged: Subsection 94.4.1  
Subsection 13.1(b)(8)  
40 CFR Part 61, Subpart M – 61.145(a)  
40 CFR Part 61, Subpart M – 61.145(b), 61.145(b)(3)(i)

Recommended Penalty: \$10,500

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$8,500**

<b>Subsection 13.1(b)(8)</b>	<b>- \$4,000</b>
<b>CFR Part 61, Subpart M – 61.145(a)</b>	
<b>Subsection 13.1(b)(8)</b>	<b>- \$4,000</b>
<b>CFR Part 61, Subpart M – 61.145(b), 61.145(b)(3)(i)</b>	
<b>Subsection 94.4.1</b>	<b>- \$500</b>

5. **YESCO, LLC**

NOV #8365 – For operating a surface-coating operation without a minor source permit; for exceeding casting resin and tooling resin production limitations; for failing to follow Control Requirements as specified in the Operating Permit by having open containers with solvent-containing cloth, open solvent containers, clogged filters, and non-working manometers, by conducting a performance test late; for failing to conduct daily inspections of spray booths and failing to maintain spray booth daily inspection logs; for failing to submit annual reports on time; and for failing to maintain gasoline throughput records identified during a Full Compliance Evaluation for the period of January 1, 2009 to June 2, 2012 of the YESCO sign fabrication/painting operation and gasoline dispensing operation (Source: 974) located at 5119 South Cameron Street, in Clark County, Nevada.

Violation(s) alleged: Subsection 12.1.3.1  
Subsection 12.0.3(a)  
II-9  
IV-A-4 and Table IV-A-2  
IV-B-1  
IV-B-6  
IV-B-9  
IV-B-10  
IV-B-12  
IV-B-13  
IV-F-3-a  
IV-G-3-f  
IV-H-1-b  
IV-H-3-b  
IV-H-4-c

Recommended Penalty: \$20,000

**HEARING OFFICER DISMISSED THE ALLEGATION OF SUBSECTIONS 12.1.3.1 & 12.0.3(a) (CONDITION II-9).**

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$10,000**

**Subsection 12.0.3(a) IV-A-4 and Table IV-A-2 - \$1,000**

**Subsection 12.0.3(a) IV-B-1 - \$7,000**

**IV-B-6**

**IV-B-9**

**IV-B-10**

**IV-B-12**

**Subsection 12.0.3(a) IV-F-3-a - \$1,000**

**Subsection 12.0.3(a) IV-B-13 - \$1,000**

**IV-G-3-f**

**IV-H-1-b**

**IV-H-3-b**

**IV-H-4-c**

### **III. ADJOURNMENT**